

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/686,090

**REMARKS**

***Claims***

Upon entry of this Amendment, claims 1-11 are all the claims pending in the application. Claims 9-11 have been added. Claim 2 has been amended. Claims 1-8 presently stand rejected. For the reasons set forth below, Applicant respectfully traverses the rejections and requests favorable disposition of the application.

***Drawings***

The Examiner is respectfully requested to indicate approval of the drawings filed on October 12, 2000.

***Information Disclosure Statement***

The Examiner has not initialed all of the references listed on the PTO/SB/08 filed on June 19, 2003. Applicant notes that each of these references was cited by the Japanese Patent Office in a co-pending Japanese application. A copy of the Japanese Office Action with an English translation of the pertinent portions of the foreign office action was submitted with the Information Disclosure Statement on June 19, 2003. Applicant submits that under MPEP §609(III)(A)(3), the requirement for a concise explanation of relevance has been satisfied. The Examiner is kindly requested to provide a copy of the PTO/SB/08 filed on June 19, 2003 indicating that all references have been considered.

***Formalities***

The Examiner has objected to the title of the invention and has suggested "CDMA Receiver and CDMA Demodulator with AGC Circuit as an amended title. Applicant has amended the title as suggested.

***§ 102 Rejections***

Claims 2, 3 and 6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rainish et al. (USP 6,606,490). In regard to claim 2, Applicant respectfully traverses the rejection at least because Rainish et al. fails to teach an AGC loop that includes a power level calculating unit for calculating the full power in the band of a channel under reception by averaging the receive power over a predetermined time period.

It is asserted in the grounds of rejection that the power estimator 124, discussed within column 2, lines 11-20 of Rainish et al., teaches the claimed power level calculating unit. Rainish et al., however, fails to even mention how the power is estimated in power estimator 124. That is, Rainish et al. does not disclose that an average power over a given time period is calculated. Furthermore, Rainish et al. does not disclose that the power estimation is a calculation of the full power in the band of the channel under reception. Accordingly, Rainish et al. does not anticipate claim 2 or claim 6, which depends from claim 2.

In regard to claim 3, Applicant respectfully traverses the rejection at least because Rainish et al. does not teach that the power estimator 124 starts its calculation at the beginning of a slot. The grounds of rejection assert that this requirement is met by the teachings of figure 2. Applicant submits, however, that figure 2 does not teach that which is asserted. In particular, in figure 2, the  $T_{AGC}$  represents the time for the AGC to settle (col. 2, lines 44-45).  $T_{AGC}$  is not

disclosed in Rainish et al. as being the time during which the power level calculation begins. Moreover, there is no evidence provided by the Examiner for the assertion that the  $T_{AGC}$  interval shown in figure 2 is at the beginning of a time slot. All that is shown in figure 2 in regard to the relative timing of  $T_{AGC}$  is that it occurs at the beginning of the time period when the receive path is active. Nothing is even mentioned with respect to a relative timing between the  $T_{AGC}$  and any particular receive time slot. In fact, as shown in figure 2, it appears that  $T_{AGC}$  occurs well before the beginning of the “slot to be received”, that is, well before data detection.

Accordingly, Rainish et al. does not anticipate claim 3 and, thus, the §102 rejection thereto should be withdrawn.

### ***§ 103 Rejections***

Claims 1, 5, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainish et al. (USP 6,606,490) in view of Hideo (JP-A-10-200353). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainish et al. (USP 6,606,490) in view of Moriyama et al. (USP 6,314,144). For the following reasons, Applicant respectfully traverse the §103 rejections.

In regard to independent claim 1, Applicant submits that contrary to the assertion in the grounds of rejection, Rainish et al. does not teach that the received signal power level is “controlled to be constant.” At column 3, lines 4-14, in reference to figure 3, Rainish et al. merely discloses that “a signal quality estimator 310 is added between the de-spreader bank 114 outputs and the controller 140. Otherwise the receiver of FIG. 3 is basically of the same prior art construction as illustrated in FIG. 1.” Rainish et al. does not mention, in the cited section or

elsewhere, that the received power level is controlled to be a constant level. Hideo does not compensate for this deficiency. Accordingly, the proposed combination of Rainish et al. and Hideo does not disclose all the recited features of claim 1 and the §103 rejection of claim 1 should, thus, be withdrawn.

In regard to claim 4, Applicant submits that claim 4 recites features similar to those discussed above with respect to claims 2 and 3 and, thus, for the same reasons as discussed above, claim 4 is patentable over the cited prior art. Specifically, neither Rainish et al. nor Moriyama et al. teach or otherwise suggest a power level calculating unit that calculates the “full power in the band of a channel under reception”, as discussed above in regard to claim 2. Further, neither Rainish et al. nor Moriyama et al. teach or otherwise suggest starting the power level calculation “from an instant corresponding to the forefront of a slot”, as discussed above in regard to claim 3. Accordingly, claim 4 is patentable over the proposed combination of Rainish et al. and Moriyama et al. and the rejection should be withdrawn.

In regard to claim 7, for similar reasons to those discussed above with respect to other claims, Applicant submits that the cited prior art fails to teach or suggest the recited power level calculating unit that averages the power level of the quantized signal from a predetermined time period starting from an instant corresponding to the forefront of the time slot. (See discussion above in regard to claims 2 and 3).

Claim 8 is patentable for at least the same reason as discussed above in regard to claim 1. In particular, the cited prior art references fail to teach “controlling the received signal power

level to be constant.” Accordingly, claim 8 is patentable over the asserted art of record and the rejection thereto should be withdrawn.

Furthermore, absent impermissible hindsight reconstruction, there exists no motivation whatsoever for a skilled artisan to combine the independent teachings of Hideo with those of Rainish et al. The examiner asserts that it would have been obvious to combine these two references “to present a stable or satisfactory AGC level at the start of the following data slot.” However, this is precisely the kind of hindsight reasoning that is forbidden. Nothing in Rainish et al., which is directed to reducing current consumption during the idle, or standby, times of a mobile radio receiver, leads a skilled artisan to the conclusion that any AGC calculations that are taking place need to be performed earlier than they are already done. In other words, nothing in the prior art suggests that the system disclosed in Rainish et al. would benefit from the mentioned earlier calculations, especially since there is no disclosed relation between the current consumed during standby mode and the timing of the AGC calculation.

#### ***Patentability of New Claims***

For additional claim coverage merited by the scope of the invention, Applicant has added new claims 9-11. Applicant submits that the prior art does not disclose, teach, or otherwise suggest the combination of features contained therein.

#### ***Conclusion***

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims 1-11, and such action is hereby solicited. If any points remain in issue

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which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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